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U.S. District Court
Eastern District of California - Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:08-cv-00358-OWW -SMS

Lion Raisins, Inc. v. United States Department of Agriculture
Assigned to: Senior Judge Oliver W. Wanger
Referred to: Magistrate Judge Sandra M. Snyder
Related Cases: [1:05-cv-00062-OWW -SMS](#)

[1:09-cv-01900-OWW -SMS](#)

Date Filed: 03/12/2008
Date Terminated: 06/24/2010
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Cause: 05:552 Freedom of Information Act

Plaintiff

Lion Raisins, Inc.

represented by **James A Moody , PHV**
Law Office of James A Moody
1101 30th Street NW
Suite 300
Washington, DC 20007
202-298-4766
Fax: 202-944-8611
Email: MoodyJim@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Wesley Tracy Green
Corporate Counsel of Lion Raisins, Inc.
9500 S. DeWolf
Selma, CA 93622
559-834-6677
Fax: 559-834-4587
Email: wgreen@lionraisins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Department of
Agriculture**

represented by **Benjamin E. Hall**
United States Attorney
2500 Tulare Street
Suite 4401
Fresno, CA 93721
559-497-4040
Fax: 559-497-4099
Email: Benjamin.Hall3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/12/2008	<u>1</u>	COMPLAINT against United States Department of Agriculture by Lion Raisins, Inc.. Attorney Green, Wesley Tracy added.(Green, Wesley) (Entered: 03/12/2008)
03/12/2008	<u>3</u>	CIVIL COVER SHEET by Lion Raisins, Inc. (Green, Wesley) (Entered: 03/12/2008)
03/12/2008		RECEIPT number #CAE100002420 \$350.00 fbo Lion Raisins, Inc. by Don Cave on 3/12/2008. (Flores, E) (Entered: 03/12/2008)
03/13/2008	<u>4</u>	SUMMONS ISSUED as to *United States Department of Agriculture* with answer to complaint due within *60* days. Attorney *Wesley Tracy Green* *9500 S. DeWolf* *Selma, CA 93622*. (Verduzco, M) (Entered: 03/13/2008)
03/13/2008	<u>5</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 7/1/2008 at 08:15 AM in Courtroom 4(LJO) before District Judge Lawrence J. O'Neill. (Attachments: # <u>1</u> Consent Forms, # <u>2</u> VDRP Forms) (Verduzco, M) (Entered: 03/13/2008)
03/17/2008	<u>6</u>	SUMMONS RETURNED EXECUTED by Lion Raisins, Inc.. United States Department of Agriculture served on 3/14/2008, answer due 5/13/2008. (Green, Wesley) (Entered: 03/17/2008)
03/21/2008	<u>7</u>	ORDER to Relate Actions and to Reassign Judges signed by District Judge Lawrence J. O'Neill on 3/21/2008. <i>Case reassigned to Judge Oliver W. Wanger and Magistrate Judge Sandra M. Snyder for all further proceedings; District Judge Lawrence J. O'Neill, Magistrate Judge Dennis L. Beck no longer assigned to case.</i> (Esteves, C) (Entered: 03/21/2008)

04/03/2008	8	MINUTE ORDER: (TEXT ONLY ENTRY) Scheduling Conference currently set for 7/1/08 before Judge O'Neill has been VACATED pursuant to the reassignment order signed by District Judge Lawrence J. O'Neill on 4/3/08. (Lira, I) (Entered: 04/03/2008)
04/03/2008	9	MINUTE ORDER: ***TEXT ONLY ENTRY*** As this matter has been reassigned to Judge Oliver W. Wanger, the Scheduling Conference currently set before Judge O'Neill has been vacated and reset before Judge Wanger for 8/14/2008 at 08:15 AM in Courtroom 3 (OWW). (Timken, A) (Entered: 04/03/2008)
05/12/2008	10	ANSWER to COMPLAINT <i>FOR DECLARATORY AND INJUNCTIVE RELIEF; STAY OF PROCEEDINGS; TEMPORARY RESTRAINING ORDER; AND ATTORNEY'S FEES [FREEDOM OF INFORMATION ACT]</i> by United States Department of Agriculture. Attorney Hall, Benjamin E. added.(Hall, Benjamin) (Entered: 05/12/2008)
08/06/2008	11	JOINT SCHEDULING REPORT by United States Department of Agriculture. (Hall, Benjamin) (Entered: 08/06/2008)
08/14/2008	12	MINUTES (Text Only) for proceedings held before Judge Oliver W. Wanger: SCHEDULING CONFERENCE held on 8/14/2008. The Court to issue order. Plaintiffs Counsel W. Green present. Defendants Counsel B. Hall present. (Timken, A) (Entered: 08/14/2008)
08/18/2008	13	SCHEDULING CONFERENCE ORDER: Motion for Right to Conduct Discovery Filing due by 9/29/2008. Hearing set for 11/3/2008 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger.) Cross-Motions for Summary Judgment filing due by 5/18/2009. Oppositions due by 6/2/2009. Replies filing due by 6/9/09. Hearing set for 6/6/2009 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger, signed by Judge Oliver W. Wanger on 8/15/08. (Gil-Garcia, A) (Entered: 08/18/2008)
08/25/2008	14	STIPULATION and PROPOSED ORDER by Lion Raisins, Inc.. (Green, Wesley) (Entered: 08/25/2008)
08/26/2008	15	AMENDED COMPLAINT against United States Department of Agriculture by Lion Raisins, Inc.. (Attachments: # 1 Exhibit Exhibits 1-3 of 10, # 2 Exhibit Ex. 4 of 10, # 3 Exhibit Ex. 4 Att.A-H, # 4 Exhibit Ex. 4.Att.I-K, # 5 Exhibit Ex.4.Att.L-Q, # 6 Exhibit Ex. 5 of 10, # 7 Exhibit Ex. 6-10 of 10)(Green, Wesley) (Entered: 08/26/2008)
08/28/2008	16	STIPULATION adn ORDER Extension for Plaintiff to File Amended Complaint, signed by Judge Oliver W. Wanger on 8/27/2008. (Sondheim, M) (Entered: 08/28/2008)

09/05/2008	<u>17</u>	STIPULATION and PROPOSED ORDER Stipulation and Order to Extend Time to Respond to Amended Complaint by United States Department of Agriculture. (Hall, Benjamin) (Entered: 09/05/2008)
09/08/2008	<u>18</u>	STIPULATION and ORDER GRANTING an extension of time to defendant to respond to amended complaint; case management deadline set for 9/17/2008 for receipt of same; order signed by Judge Oliver W. Wanger on 9/5/2008. (Rooney, M) (Entered: 09/08/2008)
09/16/2008	<u>19</u>	ANSWER to AMENDED COMPLAINT <i>FOR DECLARATORY AND INJUNCTIVE RELIEF; STAY OF PROCEEDINGS; TEMPORARY RESTRAINING ORDER; AND ATTORNEY'S FEES [FREEDOM OF INFORMATION ACT]</i> by United States Department of Agriculture.(Hall, Benjamin) (Entered: 09/16/2008)
09/29/2008	<u>20</u>	MOTION for DISCOVERY by Lion Raisins, Inc.. Motion Hearing set for 12/8/2008 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Declaration)(Green, Wesley) (Entered: 09/29/2008)
10/07/2008	<u>21</u>	DECLARATION of Wesley T. Green in Supplemental Support of <u>20</u> MOTION for DISCOVERY. (Green, Wesley) (Entered: 10/07/2008)
10/28/2008	<u>22</u>	AMENDED MOTION for DISCOVERY amending <u>20</u> MOTION for DISCOVERY <i>Supplemental Memorandum of Points and Authorities</i> by Lion Raisins, Inc.. Motion Hearing set for 12/8/2008 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Attachments: # <u>1</u> Declaration Further Declaration, # <u>2</u> Exhibit Attachments 1-7, # <u>3</u> Exhibit Attachments 8-10, # <u>4</u> Exhibit Attachments 11-13) (Green, Wesley) (Entered: 10/28/2008)
11/21/2008	<u>23</u>	OPPOSITION by United States Department of Agriculture. <i>to Plaintiff's Motion for Discovery [Freedom of Information Act]</i> (Hall, Benjamin) (Entered: 11/21/2008)
12/01/2008	<u>24</u>	REPLY by Lion Raisins, Inc. to RESPONSE. <i>to Motion for Discovery</i> (Green, Wesley) (Entered: 12/01/2008)
12/02/2008	25	MINUTE ORDER: ***TEXT ONLY ENTRY*** Due to the press of business, the Hearing re Motion for Discovery currently set for 12/8/2008 has been continued to 12/12/2008 at 12:00 PM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Timken, A) (Entered: 12/02/2008)
12/03/2008	<u>26</u>	PRO HAC VICE APPLICATION and PROPOSED ORDER submitted by Lion Raisins, Inc. for attorney James A. Moody to appear Pro Hac Vice. (Green, Wesley) (Entered: 12/03/2008)

12/03/2008		RECEIPT number CAE100005227 in the amount of \$180.00 fbo James A Moody by Don Cave. (Sondheim, M) (Entered: 12/03/2008)
12/05/2008	28	PRO HAC VICE ORDER Added attorney James A. Moody for Lion Raisins, Inc., signed by Judge Oliver W. Wanger on 12/4/2008. (Martin, S) (Entered: 12/05/2008)
12/05/2008	29	STIPULATION and PROPOSED ORDER for Continuance of Hearing On Plaintiff's Motion for Discovery [Freedom of Information Act] by United States Department of Agriculture. (Hall, Benjamin) (Entered: 12/05/2008)
12/09/2008	30	STIPULATION and ORDER GRANTING the continuance of plaintiff's Motion for Discovery (Freedom of Information Act), documents 20 22 , currently scheduled for hearing on 12/12/2008, and CONTINUING it to 1/16/2009 at 12:00 PM in Courtroom 3 (OWW) before Judge Oliver W. Wanger; order signed by Judge Oliver W. Wanger on 12/8/2008. (Rooney, M) (Entered: 12/09/2008)
01/09/2009	31	MINUTE ORDER: ***TEXT ONLY ENTRY*** (TIME CHANGE ONLY) The Hearing re Motion for Discovery currently set for 1/16/2009 at 12:00 PM has been reset the same day, 1/16/2009, to 09:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Timken, A) (Entered: 01/09/2009)
01/16/2009	32	MINUTES (Text Only) for proceedings held before Judge Oliver W. Wanger: HEARING re MOTION FOR DISCOVERY held on 1/16/2009. The matter was argued. Plaintiff requests an order for the preservation of documents. Plaintiff's revised Motion for Summary Judgment due by 1/23/2009. Defense opposition due by 3/9/2009. Plaintiff's reply due by 3/16/2009. Motion Hearing set for 3/30/2009 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. Plaintiff's counsel to submit orders re preservation of documents and the amended schedule. Plaintiffs Counsel J. Moody, W. Green present. Defendants Counsel B. Hall present. Court Reporter/CD Number: K. Lopez. (Timken, A) (Entered: 01/16/2009)
01/19/2009	33	PROPOSED ORDER Scheduling Order by Lion Raisins, Inc.. (Green, Wesley) (Entered: 01/19/2009)
01/19/2009	34	PROPOSED ORDER Preservation Order by Lion Raisins, Inc.. (Green, Wesley) (Entered: 01/19/2009)
01/21/2009	35	Memorandum Decision and ORDER Re Plaintiff's Motion for Discovery, signed by Judge Oliver W. Wanger on 1/21/2009. (Sondheim, M) (Entered: 01/21/2009)
01/28/2009	36	PRESERVATION ORDER signed by Judge Oliver W. Wanger on 01/27/2009. (Flores, E) (Entered: 01/28/2009)

02/12/2009	37	STIPULATION and PROPOSED ORDER for To Revise Summary Judgment Motion Schedule by United States Department of Agriculture. (Hall, Benjamin) (Entered: 02/12/2009)
02/17/2009	38	ORDER on STIPULATION TO REVISE Summary Judgment Motion Schedule, Signed by Judge Oliver W. Wanger on 2/13/2009. The Court Adjust the Summary Judgment Schedule as Follows: Motions to be filed by either party on 3/23/2009; Oppositions to be filed on 4/6/2009; Replies to be filed by 4/13/2009; Hearing set for 4/20/2009 at 10:00 AM in Ctrm. 3 before Judge Wanger. (Arellano, S.) (Entered: 02/17/2009)
03/12/2009	39	STIPULATION and PROPOSED ORDER for [to Revise Summary Judgment Motion Schedule] by Lion Raisins, Inc.. (Green, Wesley) (Entered: 03/12/2009)
03/13/2009	40	STIPULATION and ORDER GRANTING the continuance of the summary judgment motion(s) and revising motions schedule as follows: Motion for Summary Judgment Hearing CONTINUED to 5/11/2009 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger; motions due by 4/13/2009; opposition due by 4/27/2009; replies due to 5/4/2009; order signed by Judge Oliver W. Wanger on 3/12/2009. (Rooney, M) (Entered: 03/13/2009)
04/10/2009	41	STIPULATION and PROPOSED ORDER for [to Further Revise Summary Judgment Motion Schedule] re 35 Order on Motion for Discovery, by Lion Raisins, Inc.. (Green, Wesley) (Entered: 04/10/2009)
04/13/2009	42	STIPULATION and ORDER to Further Revise Summary Judgment Motion Schedule, signed by Judge Oliver W. Wanger on 4/13/09. <i>Motions due by 5/4/2009; Oppositions due by 5/18/2009; Replies due by 5/26/2009; Motion Hearing set for 6/3/2009 at 12:00 PM in Courtroom 3 (OWW) before Judge Oliver W. Wanger.</i> (Verduzco, M) (Entered: 04/13/2009)
05/04/2009	43	MOTION for SUMMARY JUDGMENT by United States Department of Agriculture. (Attachments: # 1 Points and Authorities, # 2 Statement of Undisputed Facts, # 3 Exhibit Cover Sheet, # 4 Exhibits 1-15, # 5 Exhibits 16-30, # 6 Exhibits 31-44, # 7 Exhibits 45-52, # 8 Exhibit 53, # 9 Exhibit 54)(Hall, Benjamin) (Entered: 05/04/2009)
05/04/2009	44	DECLARATION of Maria Sanders in Support of 43 MOTION for SUMMARY JUDGMENT. (Attachments: # 1 Declaration of Michael Blazejak, # 2 Declaration of David Trykowski)(Hall, Benjamin) (Entered: 05/04/2009)

05/04/2009	45	MOTION for SUMMARY JUDGMENT by Lion Raisins, Inc.. Motion Hearing set for 6/3/2009 at 12:00 PM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Attachments: # 1 Memorandum Points and Authorities, # 2 Statement of Undisputed Facts, # 3 Declaration of Wesley T. Green, # 4 Exhibit A through D in Support of Declarations of Wesley T. Green, # 5 Exhibit E through M in Support of Declaration of Wesley T. Green, # 6 Exhibit N through T in support of Declaration of Wesley T. Green, # 7 Exhibit U through W in support of Wesley T. Green, # 8 Exhibit X in Support of Declaration Wesley T. Green, # 9 Exhibit Y through AA in support of Declaration of Wesley T. Green)(Green, Wesley) (Entered: 05/04/2009)
05/07/2009	46	AMENDED DOCUMENT by Lion Raisins, Inc.. Amendment to 45 MOTION for SUMMARY JUDGMENT. (Green, Wesley) (Entered: 05/07/2009)
05/18/2009	47	OPPOSITION by United States Department of Agriculture to 45 MOTION for SUMMARY JUDGMENT. (Attachments: # 1 US Response to Statement of Undisputed Facts in Support of Plaintiff Lion Raisins Motion for Summary Judgment) (Hall, Benjamin) (Entered: 05/18/2009)
05/18/2009	48	OPPOSITION by Lion Raisins, Inc. to 43 MOTION for SUMMARY JUDGMENT. (Attachments: # 1 Declaration Supplemental-Wesley T. Green, # 2 Exhibit A through C in Support of Supp. Declaration of Wesley T. Green, # 3 Exhibit D through I in Support of Wesley T. Green Supp. Declaration)(Green, Wesley) (Entered: 05/18/2009)
05/18/2009	49	EXHIBIT <i>J-N in Support of Supplemental Declaration of Wesley T. Green JD MBA in Support of Lion Raisins, Inc.'s Opposition to re</i> 43 MOTION for SUMMARY JUDGMENT filed by United States Department of Agriculture. (Attachments: # 1 Declaration of Katrina M. Leal in Support of Plaintiff Lion Raisins, Inc.'s Opposition to USDA's Motion for Summary Judgment, # 2 Exhibit A through H in Support of Declaration of Katrina M. Leal in Support of Plaintiff Lion Raisins, Inc.'s Opposition to USDA's Motion for Summary Judgment)(Green, Wesley) (Entered: 05/18/2009)
05/26/2009	50	REPLY by United States Department of Agriculture to RESPONSE to 43 MOTION for SUMMARY JUDGMENT. (Attachments: # 1 Declaration Supplemental Declaration of David Trykowski)(Hall, Benjamin) (Entered: 05/26/2009)
05/26/2009	51	REPLY by Lion Raisins, Inc. to RESPONSE. (Green, Wesley) (Entered: 05/27/2009)
05/27/2009	52	DECLARATION of Wesley T. Green JD MBA in Support of 45 MOTION for SUMMARY JUDGMENT. (Attachments: # 1 Declaration Supplemental Declaration of Wesley T. Green JD MBA in Support of Reply Memorandum of Points and Authorities in Support of Lion Raisins, Inc.'s Motion for Summary Judgment, # 2 Exhibit O through T in Support of Supplemental Declaration of Wesley T. Green JD MBA)(Green, Wesley) (Entered: 05/27/2009)

06/03/2009	53	MINUTES (Text Only) for proceedings held before Judge Oliver W. Wanger: MOTION FOR SUMMARY JUDGMENT HEARING held on 6/3/2009 - matter argued and submitted - court to issue order. Plaintiffs Counsel J. Moody and W. Green present. Defendants Counsel B. Hall present. Court Reporter/CD Number: ECRO. (Rooney, M) (Entered: 06/03/2009)
06/19/2009	54	TRANSCRIPT of Proceedings held on 6/3/2009- MOTION FOR SUMMARY JUDGMENT HEARING before Judge Oliver W. Wanger, filed by ECRO Maribel Verduzco, Phone number: 559-499-5928, E-mail: mverduzco@caed.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 7/10/2009. Redacted Transcript Deadline set for 7/20/2009. Release of Transcript Restriction set for 9/17/2009. (Verduzco, M) (Entered: 06/19/2009)
06/26/2009	55	NOTICE of Dismissal Without Prejudice of Count Five and Count Six of Amended Complaint by Plaintiff by Lion Raisins, Inc.. (Green, Wesley) (Entered: 06/26/2009)
07/13/2009	56	Memorandum Decision and ORDER re 43 45 Cross-MOTIONS for SUMMARY JUDGMENT signed by Judge Oliver W. Wanger on 7/10/2009. (Sant Agata, S) (Entered: 07/13/2009)
08/06/2009	57	DECLARATION of Notice of Filing Declaration to Memorandum Decision and Order Re Cross-Motions for Summary Judgment in re 45 MOTION for SUMMARY JUDGMENT, 43 MOTION for SUMMARY JUDGMENT. (Attachments: # 1 Trykowski Dec, # 2 Exhibits A-K to Trykowski Dec)(Hall, Benjamin) (Entered: 08/06/2009)
12/31/2009	58	MOTION for SUMMARY JUDGMENT by Lion Raisins, Inc.. Motion Hearing set for 3/8/2010 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Attachments: # 1 Declaration Declaration of Wesley T. Green in Support of Renewed Motion for Summary Judgment, etc.)(Green, Wesley) (Entered: 12/31/2009)
02/19/2010	59	OPPOSITION by United States Department of Agriculture to 58 MOTION for SUMMARY JUDGMENT. (Attachments: # 1 Declaration of Anthony Giannetta, # 2 Declaration of David Trykowski, # 3 Exhibit A through O to Trykowski Declaration) (Hall, Benjamin) (Entered: 02/19/2010)
02/19/2010	60	NOTICE of RELATED CASE CIV-F-01-5050-OWW-DLB, 1:09-CV-01900-OWW-SMS, 1:10-CV-217-AWI-DLB by Lion Raisins, Inc.. (Green, Wesley) (Entered: 02/19/2010)

03/02/2010	61	MINUTE ORDER: (TEXT ENTRY ONLY) Due to the press of business the 58 Motion for Summary Judgment Hearing currently set for 3/8/2010 has been moved to 5/3/2010 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. All deadline will remain unchanged. (Kusamura, W) (Entered: 03/02/2010)
03/31/2010	62	ORDER Re: Pending motions for summary judgment 43 45 58 , signed by Judge Oliver W. Wanger on 03/31/10. (Coffman, L) (Entered: 03/31/2010)
04/23/2010	63	STIPULATION and PROPOSED ORDER for [Revise Renewed Motion for Summary Judgment Schedule] re 58 MOTION for SUMMARY JUDGMENT, 59 Opposition to Motion, 62 Order on Motion for Summary Judgment, by Lion Raisins, Inc.. (Green, Wesley) (Entered: 04/23/2010)
04/23/2010	64	STIPULATION and ORDER To Revise Renewed Motion For Summary Judgment Schedule, signed by Judge Oliver W. Wanger on 4/23/2010. (Reply due by 6/21/2010, Motion For Summary Judgment 58 previously set for 5/3/2010 has been CONTINUED 6/28/2010 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger.)(Gaumnitz, R) (Entered: 04/23/2010)
06/22/2010	65	MINUTE ORDER: (Text Entry Only) Due to the press of business, Motion For Summary Judgment 58 previously set for 6/28/2010 has been CONTINUED 8/2/2010 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Gaumnitz, R) (Entered: 06/22/2010)
06/23/2010	66	STIPULATION of DISMISSAL ; <i>[PROPOSED] ORDER THEREON</i> by Lion Raisins, Inc.. (Green, Wesley) (Entered: 06/23/2010)
06/24/2010	67	STIPULATION and ORDER OF DISMISSAL signed by Judge Oliver W. Wanger on 6/24/2010. CASE CLOSED. (Sant Agata, S) (Entered: 06/24/2010)

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